

**THE HONORABLE MARY JO HESTON
CHAPTER 13**

HEARING DATE: September 6, 2018

HEARING TIME: 11:00 A.M.

LOCATION: Tacoma, Washington

RESPONSE DATE: August 30, 2018

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

FRANK DONALD PASTORI and
KAREN MARIE PASTORI,

Debtors.

Case No.: 18-42320-MJH

TRUSTEE'S OBJECTION TO CONFIRMATION
WITH STRICT COMPLIANCE

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to
confirmation as follows:

BACKGROUND

Debtors filed this Chapter 13 case on June 29, 2018. The applicable commitment period is sixty months. The case is currently in the second month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is September 7, 2018. Scheduled unsecured claims total \$156,482.30, and scheduled priority claims total \$10,000.00. Debtors propose to pay at least \$81,751.94 to allowed nonpriority unsecured claims.

OBJECTION

☐ Plan is not feasible:

☐ Plan is not proposed in good faith or is forbidden by law:

☒ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B): Debtor must provide the pay stubs for spouse for December 2017. Trustee requires these documents to calculate the CMI.

☐ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):

☐ Schedules or other documentation insufficient:

☐ Other:

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 20th day of August, 2018.

/s/ Matthew J.P. Johnson

Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee

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CERTIFICATE OF MAILING

I declare under penalty of perjury under the laws of the United States as follows: I mailed via regular mail a true and correct copy of the Trustee's Objection to Confirmation with Strict Compliance to the following:

Frank Donald Pastori
Karen Marie Pastori
220 Palmer Road
Chehalis, WA 98532

The following parties received notice via ECF:

Ellen Ann Brown
US Trustee

Executed at Tacoma, Washington on the 20th day of August, 2018.

/s/Tracy Maher

Tracy Maher
Office Manager
Michael G. Malaier
Chapter 13 Trustee